

Amendments to the Claims

This listing of claims will replace all prior versions and listings of claims in this application.

Listing of Claims:

1. (Currently amended) A fence system comprising:

a horizontal mounting surface; and

a plurality of individual fiber cement members attached to the horizontal mounting surface, wherein each individual member has an upper end, a lower end, a front surface, a back surface and a pair of sides adjoining the front surface and back surface, and wherein the plurality of individual fiber cement members comprise fiber cement having fibers, wherein the fiber cement members are cut to size and shaped ~~are made into a desired shape~~ for use in the fence system prior to curing of said fiber cement, wherein the plurality of individual members do not exhibit any substantial fraying of the fibers along the surfaces of the plurality of individual members after curing.

~~a plurality of individual fasteners for attaching the plurality of individual members to the horizontal mounting surface, wherein each individual fastener passes through the front surface and the back surface of the individual member into the horizontal mounting surface.~~

2. (Currently amended) The fence system of Claim 1, wherein the plurality of individual fiber cement members have at least one surface that has a pre-finish thereon.

3. (Currently amended) The fence system of Claim 1, wherein the plurality of individual fiber cement members resemble a picket.

4. (Currently amended) The fence system of Claim 1, wherein the plurality of individual fiber cement members resemble a wooden picket.

5. (Currently amended) The fence system of Claim 3, wherein the upper end of at least one individual fiber cement member is formed into a shape selected from the group consisting of square cut, dog-eared, French gothic, scalloped, pointed and saw-toothed.

6. (Currently amended) The fence system of Claim 1, wherein the front surface and back surface of at least one individual fiber cement member has a finish that resembles wood.

7. (Currently amended) The fence system of Claim 1, wherein the front surface and back surface of at least one individual fiber cement member has a finish that resembles masonry.

8. (Cancelled)

9. (Previously presented) The fence system of Claim 1, wherein the fiber cement forming the plurality of individual members incorporates a low-density additive.

10. (Previously presented) The fence system of Claim 9, wherein the low-density additive comprises micro spheres.

11. (Previously presented) The fence system of Claim 9, wherein the low-density additive comprises volcanic ash.

12. (Currently amended) The fence system of Claim 1, wherein the fiber cement forming the plurality of individual fiber cement members comprise moisture resistant cellulose fibers.

13. (Currently amended) The fence system of Claim 1, wherein the horizontal mounting surface has a longitudinal axis, and the plurality of individual fiber cement members are positioned in a manner such that a longitudinal axis of the individual fiber cement members is substantially perpendicular to the longitudinal axis of the horizontal mounting surface.

14. (Original) The fence system of Claim 1, wherein the mounting surface comprises a rail.

15. (Currently amended) A fence system, comprising:

a horizontal mounting surface; and

a plurality of individual members attached to the horizontal mounting surface, wherein each individual member has an upper end, a lower end, a front surface, a back surface and a pair of sides adjoining the front surface and back surface, and wherein the plurality of individual members comprise fiber cement having fibers, and wherein the front surface and back surface of the individual members are embossed with a pattern, wherein the upper end of the plurality of individual members are formed into a shape selected from the group consisting of square cut, dog-eared, French gothic, scalloped, pointed and saw-toothed, said shape being formed prior to curing of said fiber cement, wherein the plurality of individual members do not exhibit any substantial fraying of the fibers along the surfaces of the plurality of individual members after curing.

~~a plurality of individual fasteners for attaching the plurality of individual members to the horizontal mounting surface, wherein at least a portion of the back surface of the individual member is in contact with the horizontal mounting surface, and wherein each individual fastener passes through the front surface and the back surface of the individual member and into the horizontal mounting surface.~~

- 16-24. (Cancelled)

25. (Currently amended) A picket for use in a fence system comprising fiber cement, wherein the picket has an upper end, a lower end, a front surface, a back surface and a pair of sides adjoining the front surface and back surface, and wherein the picket has a pattern formed on the front surface and back surface of the picket, the pattern being applied to the front surface and to the back surface of the picket substantially simultaneously by two embossing rollers, and

the picket being made into a desired shape for use as said picket prior to curing of said fiber cement, whereby the picket does not exhibit any substantial fraying of the fibers along the front surface, the back surface and the side surfaces after curing.

26. (Original) The picket of Claim 25, wherein at least one exterior surface of the picket has a pre-finish thereon.

27. (Original) The picket of Claim 26, wherein the at least one exterior surface of the picket is painted to resemble the color of wood.

28. (Cancelled)

29. (Original) The picket of Claim 25, wherein at least one exterior surface of the picket is stained.

30. (Original) The picket of Claim 25, wherein at least one exterior surface of the picket is textured.

31. (Original) The picket of Claim 25, wherein the at least one exterior surface of the picket is textured to resemble wood.

32. (Original) The picket of Claim 25 having a surface finish that resembles masonry.

33. (Original) The picket of Claim 25, wherein the picket can be nailed onto a fence rail.

34. (Currently amended) A fence system, comprising:
a horizontal mounting surface,

a plurality of individual pickets each having an elongated configuration extending between an upper end and a lower end, wherein each individual picket is spaced from another of the individual pickets by a distance of between about 1/2 and 1 inch, each picket being made of fiber cement and formed into a desired shape, sized and configured for use in the fence system

prior to curing of said fiber cement, said plurality of pickets being installed generally perpendicular to a ground surface and in parallel relationship to one another.

~~a plurality of individual fasteners for attaching the plurality of pickets to the horizontal mounting surface, wherein each individual fastener passes through the front surface and the back surface of the individual picket into the horizontal mounting surface.~~

35. (Original) The fence system of Claim 34, wherein the pickets after curing do not exhibit any substantial fraying of the fibers along surfaces of the pickets.

36. (Original) The fence system of Claim 34, wherein each picket is formed of a plurality of layers, said pickets do not exhibit any substantial visible separation of layers.

37. (Original) The fence system of Claim 34, wherein each of said pickets has an aspect ratio of between 4 and 12.

38. Cancelled.

39. (Original) The fence system of Claim 34, wherein each of said pickets has a length between about 2 and 10 feet.

40. (Original) The fence system of Claim 34, wherein each of said pickets has a width between about 4 and 12 inches.

41. (Original) The fence system of Claim 34, wherein each of said pickets has a thickness of between about 5/16 and 3/4 inch.

42. (Original) The fence system of Claim 34, wherein each of said pickets has a pre-finish thereon.

43. (Previously presented) The fence system of Claim 34, comprising a pair of mounting rails each extending perpendicular to the pickets.

44. (Original) The fence system of Claim 43, wherein a first mounting rail is secured to the pickets at an upper location of the pickets, and a second mounting rail is secured to the pickets along a lower location of the pickets.

45. (Original) The fence system of Claim 44, comprising at least two posts, each of said posts having an elongate configuration extending between an upper end and a lower end and being substantially parallel to the pickets, said posts being secured to the mounting rails, wherein the lower ends of the posts extend below the lower ends of the pickets to secure the posts in a ground location.

46-67 (Cancelled)

68. (Previously presented) An elongated member having a front surface and a back surface, and made of fiber cement, wherein the elongated member has a pattern formed on the front surface and back surface, the pattern being applied to the front surface and to the back surface substantially simultaneously by two embossing rollers, and wherein the elongated member in its uncured state is sized and configured for use as a picket for a fence, and wherein the elongated member in a cured state is secured to a mounting surface of a fence by a fastener passing through the front surface and back surface of the elongated member and into the mounting surface.

69. (Original) The elongate member of Claim 68 having a first end, said first end has a dog-eared shape, which is formed in the elongate member in its uncured state.

70. (Original) The elongate member of Claim 68 having a pre-finish on at least one surface.

71. (Original) The elongate member of Claim 68 having a length of between 6 and 8 feet.

72. (Currently amended) A fence picket, comprising an elongated member made of a plurality of layers of fiber cement, said elongated member does not exhibit any substantial visible separation of the plurality of fiber cement layers, wherein the elongated member is sized and configured for use as a fence picket prior to curing, said elongated member having a length defined between an upper end and a lower end, a first surface and a second surface, and substantially parallel sides adjoining said first surface and second surface, wherein at least one of said surfaces has a pre-finish thereon.

73. (Original) The fence picket of Claim 72, wherein the length of said fence picket is between about 2 and 10 feet.

74. (Original) The fence picket of Claim 72, wherein the width of said fence picket is between about 4 and 12 inches.

75. (Original) The fence picket of Claim 72, wherein the upper end is shaped with a design selected from the group consisting of square cut, dog-eared, French gothic, scalloped, pointed, and saw-toothed.

76. (Original) The fence picket of Claim 72, wherein the first surface is provided with a pattern.

77. (Original) The fence picket of Claim 72, wherein said pattern resembles wood.

78. (Previously presented) The fence picket of Claim 72, wherein said pattern is smooth.